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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE

APPLICANT: Wyatt ATTY. DOCKET NO.: MCO-P-00-002
SERIAL NO.: 09/544,510 GROUP ART UNIT: 2172
FILING DATE: Apr. 6, 2000 EXAMINER: Ly
TITLE: "A METHOD AND SYSTEM FOR CREATING A WEBSITE FOR A
HEALTHCARE PROVIDER"

Asst. Commissioner for Patents
Washington, DC 20231

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SIR:

Technology Center 2100

This Response is submitted in response to the Office Action dated January 2, 2003. In the Office Action, the Patent Office rejected Claims 1 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,956,716 to *Kenner et al.* The Patent Office also rejected Claims 2-14 and 16-21 under 35 U.S.C. §103(a) as being unpatentable over *Kenner et al.* in view of U.S. Patent No. 6,195,651 to *Handel et al.*

By the present Response, Applicant respectfully submits that the rejections are improper, and the application is in condition for allowance for the reasons that follow. Notice to that effect is requested.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Kenner et al.*, the Patent Office stated:

Kenner discloses providing a remote server having a database; accessing the remote server via a first remote computer on a computer network; accessing the remote

server via a first remote computer on a computer network; creating a website having a first web page by the remote computer on the remote server wherein the website relates to a healthcare providing healthcare services; assigning pre-defined attributes to the website that uniquely identify the website and linking the website to the database wherein the database is searchable via a search engine wherein the search engine searches the database for specific attributes.

Kenner et al., the Patent Office alleges, does not explicitly indicate "the website relates to healthcare provider providing healthcare services." The Patent Office further states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of *Kenner* such as a remote server, database, search engine, website and healthcare to patients information so as to obtain a method for keeping tracking of billing information for the users of the system. Also this system allows users to access data from web on the Internet or other networks and the desired content can be efficiently retrieved from alternate sites in the Internet web-based services environment.

However, *Kenner et al.* merely teach a video clip storage and retrieval system whereby video clips can be requested and retrieved by a user at a user terminal. When a user requests a clip, the request is processed by an index manager which checks local storage and forwards the retrieved information to a data sequencing interface. The interface collects the clips and downloads the clips to the user's terminal.

Kenner et al. do not even remotely teach or suggest a system or a method for providing the creation of a website containing pre-defined attributes associated with the website. Further, *Kenner et*

al. do not even remotely teach or suggest creation of a website on a remote server using a remote computer wherein the website has a first web page and wherein the website relates to a healthcare provider providing healthcare services. Additionally, Kenner et al. do not even remotely teach or suggest linkage of the website to a database wherein the database is searchable via a search engine wherein the search engine searches the database for specific attributes.

With respect to the rejection of Claim 15, the Patent Office alleges that Kenner et al. disclose a remote server having a database therein on a computer network; a first remote computer connected to the remote server via the computer network wherein a website has a web page created on the remote server via the remote server. The Patent Office alleges:

Kenner does not explicitly indicate a website that relates to a healthcare provider providing healthcare services; however Kenner discloses an application to this system that may also [be] used to provide information about the healthcare providers to patients, that is, the services are from/to healthcare provider to patients. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kenner such as remote server, database, search engine, website and healthcare to patients information so as to obtain a method for keeping tracking of billing information for the users of the system.

However, Applicant asserts that Kenner et al. do not teach or even remotely suggest a system for creating websites for healthcare providers including a remote server having a database therein on a

computer network; a first remote computer connected to the remote server via the computer network wherein a website having a web page is created on the remote server via the remote computer using pre-defined information contained on the remote server wherein the website relates to a first healthcare provider providing healthcare services and further wherein the website is stored on the database; and pre-defined attributes associated with the website for uniquely identifying the website in the database.

The Patent Office in the Office Action is simply ignoring specific limitations defined by Claims 1 and 15. Absolutely no teaching or suggestion is provided by the Patent Office why one of ordinary skill in the art would even remotely consider modifying *Kenner et al.* to create websites for healthcare providers and creating the same through access to a remote server and a remote computer and using and/or assigning pre-defined attributes to uniquely identify the website. The Patent Office is simply ignoring limitations of Claims 1 and 15 to reject those claims in view of *Kenner et al.*

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements

somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference in its entirety, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicant's invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by Applicant. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

With the analysis of the deficiencies of *Kenner et al.* in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to modify *Kenner et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103.

With respect to the rejection of Claim 2-14 and 16-21 under 35 U.S.C. §103(a) as being unpatentable over *Kenner et al.* in view of *Handel et al.*, the Patent Office stated:

Kenner discloses a method for creating websites for individuals, healthcare facilities and other healthcare providers as discussed in claimed (sic) 1. *Kenner* does

not explicitly indicate searching the database for the specific attributes; creating an update button on the website for instantly amending the database when the update button is chosen by the healthcare provider; storing the pre-defined attributes on the database for recall of the attributes for placement on the website; networking a plurality of databases for storing the websites; accessing the remote server for recalling the website stored on the database; and adding links to the website for linking other websites relating to other healthcare providers to the website. *Handel* discloses searching databases and web pages as claimed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of *Kenner* with the teachings of *Handel* so as to obtain an approach for creating websites. This combination would provide a method for creating web-site that [is] stored in the database in the Internet web-based services environment.

Kenner et al. merely teach a video clip storage and retrieval system whereby video clips can be requested and retrieved by a user at a user terminal. Moreover, *Handel et al.* merely disclose a system that facilitates a user to interface to a particular application program that is enabled by obtaining user profile information. The system parses the content of the application, and matching the parsed content to the user profile information and presenting the parsed content matches in a format based on the user's profile for display.

However, neither *Kenner et al.* nor *Handel et al.*, taken singly or in combination, teach or suggest a method of creating website

for healthcare facilities and other healthcare providers, having a web page created from a remote computer on a remote server wherein the website relates to a healthcare provider providing healthcare services. Moreover, *Handel et al.* do not teach or suggest a method of creating a website having pre-defined attributes to the website that uniquely identify the website, wherein the website is linked to a database and further wherein the database is searchable by a search engine to search for the specific attributes as required by Claims 1 and 15.

The Patent Office alleges that one skilled in the art would recognize that the system of *Kenner et al.* could be modified in light of *Handel et al.* to create a method and system for creating a website for a healthcare provider. Applicant submits that the Patent Office is merely "piece-mealing" references together, providing various teachings and positively defined limitations of Applicant's method and system to deprecate the claimed invention.

Additionally, *Handel et al.*, while generally disclosing common elements such as web pages, databases, and search engines, do not even remotely teach or suggest a system or a method for creating a website for a healthcare provider. Even if the references recite common elements, hindsight reconstruction of Applicant's invention is impermissible.

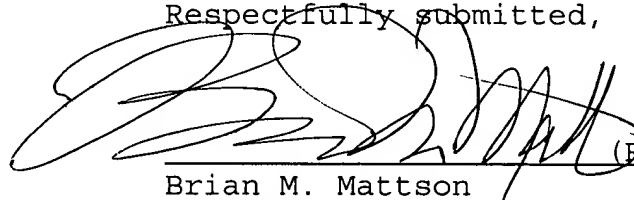
In view of the foregoing remarks, Applicant respectfully submits that the rejection of Claims 2-14 and 16-21 under 35 U.S.C.

§103(a) as being unpatentable over *Kenner et al.* in view of *Handel et al.* is overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-14 depend from Claim 1; and Claims 16-21 depend from Claim 15. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps and elements of Applicant's method and system, respectively.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,



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